

**REMARKS**

Claims 1-19 are pending in the application. No claims have been amended, added or canceled. Thus, claims 1-19 remain subject to continued examination.

**ART REJECTIONS:**

Each of the independent claims (1, 10 and 19) stands rejected under 35 U.S.C. 103(a) as being obvious over the prior practice of using a label with one adhesive free end in view of U.S. Patent 5,351,426 to Voy et al.. As best understood, no other rejections are pending with respect to the independent claims. Continued rejection on this basis is respectfully traversed and reconsideration is requested.

As an initial matter, Applicants note that the practice according to the present invention eliminates adhesive from the inboard end zone of the label used in the acknowledged prior practice while nonetheless retaining the ability to retain the label on the moving web with one end projecting out from the edge. Thus, an element of the prior label (adhesive at the inboard end) has been eliminated while the function of holding the label in place has been retained. As pointed out at MPEP §2144.04 II B, the omission of an element with the retention of the element's function is an indicia of nonobviousness.

At this time Applicants further respectfully traverse the outstanding rejection of the independent claims (and all claims depending therefrom) on grounds that the proposed modification of the prior art practices appears to be contrary to the accepted wisdom in the art and that the art relied upon would not have provided the requisite suggestion to proceed against such accepted wisdom.

The Office Action acknowledges that the admitted prior art does not disclose adhesive free zones on both ends of the label. In order to address this deficiency the Office Action relies on the teaching in Voy et al. that labels are known which include adhesive free zones inset from the label periphery. The Office Action then concludes that it would have been obvious to include a second adhesive free end to labels used in the prior practice based on the teachings of Voy et al. in order to achieve advantages such as making it easier to remove the label from the carrier web.

In the prior response Applicants noted that the proposed modification of the prior art labeling practices to incorporate the labels of Voy et al. appears to be contrary to the accepted wisdom in the art. In support of this assertion of the accepted state of wisdom in the art Applicant's referred to an earlier declaration from Joseph Egan stating that in order to ensure the maintenance of adhesion prior labels were designed to avoid the occurrence of substantial adhesive free zones at label ends inboard of the web edge. At this time, Applicants provide to the Examiner product literature from NOVATION INC. and VACUUMATIC which describes the admitted prior labeling practice and specifically indicating that the deadened glue area is on the protruding part of the label. There is no indication of deadened glue areas any where else on the label. Thus, it appears that these labels would have been configured as Mr. Egan describes in his declaration. Moreover, this teaching is in two different products thereby lending an added degree of credibility to the statements in the Egan declaration and Applicants' corresponding assertion regarding the accepted wisdom in the art.

In addressing the Egan declaration the Office Action takes the position that the teachings in Voy that patterned adhesive makes it easier to remove the label does not go so far as to indicate that patterned adhesive would make it more likely that the label would fall off since Voy shows that it is possible to have less adhesive and still retain the label on the web. Applicants respectfully submit that this analysis of the teachings in Voy et al. does not take into account the fact that in Voy the labels are fully supported from beneath by the carrier web. This is substantially different from the claimed practice in which one end of the label extends outboard from the web to which it is applied. As the Examiner will appreciate, having a free end projecting outwardly without underlying support will give rise to a moment arm which will tend

to stress the adhesive bond inboard of the edge. Thus, it is respectfully submitted that the fact that the fully supported labels in Voy do not fall off would not have indicated to the skilled artisan that adhesive could be eliminated from the inboard end zone when one end of the label projects outwardly from a web edge. To the contrary, since Voy does contain a very clear teaching that the patterned adhesive makes it easier to remove the label, one of skill in the art would no doubt understand that this added ability to release would be increased even further in an arrangement where one end of the label projects away from the edge as presently claimed and is thus unsupported.

Based on the record Applicants respectfully submit that prior to the present invention the accepted wisdom was that when labeling was done with an outwardly projecting end, substantial adhesive free zones at label ends inboard of the web edge were avoided. While patterning adhesives across the label makes it easier to remove a label, such a practice also necessarily makes it easier for the label to fall off. Moreover, the risk of falling off will be greater when a portion of the label is unsupported from beneath.

Based on the above facts, Applicants respectfully submit that the present invention represents a substantial departure from the prior accepted wisdom vis-à-vis labeling moving webs with an end of the label projecting outwardly from the edge. The case law and the MPEP recognize that proceeding contrary to the accepted wisdom in the art is evidence of nonobviousness. MPEP §2145 citing *In re Hedges*, 783 F.2d 1038, 228 USPQ 685 (Fed. Cir. 1986). In addition, the alleged benefit of the proposed modification (i.e. making it easier to remove the label) is contrary to the desired performance character of the label in the claimed process. Accordingly, it is respectfully submitted that the art of record does not establish an appropriate basis for continued rejection of the claims as written.

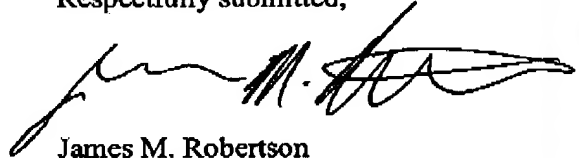
#### CONCLUSION:

For the reasons set forth above, it is respectfully submitted that the cited art does not support a continued obviousness rejection and that all claims stand in condition for allowance. Prompt allowance and passage to issue is therefore requested. While Applicants have attempted

to address all outstanding issues, in the event that any issue remains unresolved, the Examiner is encouraged to contact the undersigned attorney in the hope that such issue may be resolved in an expedient and satisfactory manner.

A petition for a one month extension of time accompanies this response. To any extent required, a petition for an additional extension of time is hereby made. Authorization is hereby provided to deduct the extension fee and any additional fee necessary for the acceptance of this paper from Deposit Account 50-1424. In calculating such fees kindly note that Applicants claim small entity status.

Respectfully submitted,

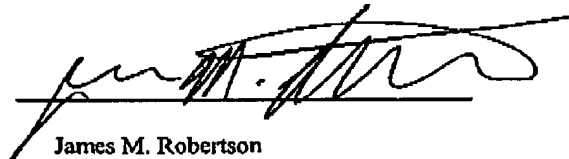


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**CERTIFICATE OF TRANSMISSION**

I hereby certify that this correspondence is being facsimile transmitted to The United States Patent and Trademark Office at 703-872-9306 on February 6, 2004.



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# Vacuumatic

Counting, Tabbng &amp; Batching Equipment

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## Product Information

### The Reel Tab Inserter System 2 - RTIS 2

#### What is the Reel Tab Inserter System 2?

The RTIS 2 offers unparalleled waste management control by remote firing of 'marker tabs' in the form of adhesive labels onto and overlapping the moving edge of webbed processes, whenever faulty areas are detected prior to material reaching the reel rewind.

#### What enhancements are offered by the NEW RTIS 2?

Market feedback from the original RTIS has culminated in the introduction of the RTIS 2, with many enhanced features such as an internal miniature thermal printer. The printer unit now makes it possible to uniquely identify each type of fault with a different code printed onto the visible area of each label. The applied label will eventually protrude from the side of the finished reel where the printed 'reason of fault' code will remain visible.

The printed 'reason of fault' codes will assist in minimising unnecessary waste, by differentiating between (and warning of) potentially harmful faults. These faults could be mill/splice joins and specific process faults, that may have to be isolated and removed on a reel rewind machine before supplying to an end user or subsequent process.

#### How are labels applied?

The labels used by the RTIS 2 are peelable and self-adhesive. The labels are applied using a jet of air generated by the unit itself and can be applied at any convenient position along the web - it is not reliant on the 'pinch point' at the reel rewind. A deadened glue area on the protruding part of the label prevents any adhesion to the rollers that it may have to pass over before reaching the reel rewind.



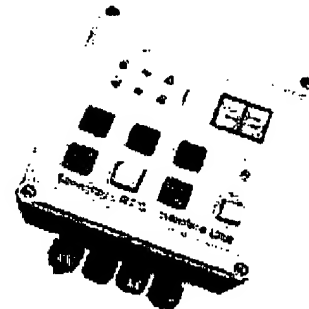
#### How is the RTIS 2 operated - is it easy to use?

Yes! - The RTIS 2 is easily operated via a pre-programmed control box. The entry level box comes with six coloured manual fire buttons, which will each produce a default three character printed 'reason of fault' code. An example is, by pressing the 'red' button a label will be fired and applied to the edge of the web with the code 'RED'. This could perhaps indicate a spliced area or other user defined reason code\*. In addition, a second set of pre-programmed codes can be selected via an internal

switch to assist another language.

**Does the RTIS 2 have to be operated manually?**

NO! - The RTIS 2 may also be operated by external (customer supplied) fault sensors, web inspection systems, process PLCs or additional external fire devices. There are six selectable external inputs on the control box designated for this purpose, each with its own pre-programmed printed 'reason of fault' code and visual indicator.



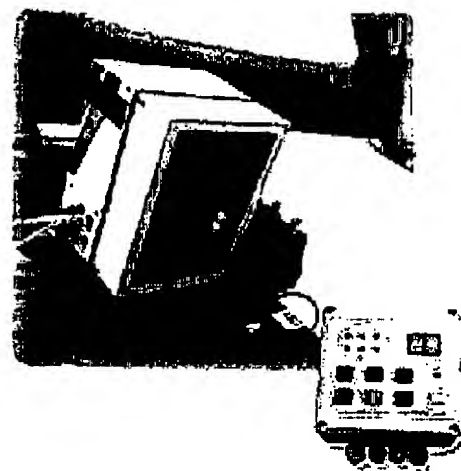
**What are the capabilities of the RTIS 2?**

The RTIS 2 can attach a label to a web edge moving at speeds of up to 600 metres per minute, with no physical contact with the web - therefore there is no risk of damage to the web or web breakage.

**What are the benefits?**

The main benefits are as follows:

- Avoids the dangerous practice of hand-flagging
- Fault identification and marking without web contact
- Choice of alphanumeric 'reason of fault' codes
- Operational on web speeds of up to 600 metres per minute
- Automatic or manual operation
- Ability to print a second language
- Easy to use



\* Different codes can be defined by the user and pre-programmed by Vacuumatic to correspond with each of the available coloured buttons (special requirement - please contact us).

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## Press Information

### Novation, Inc. of Bethlehem, PA Releases "RollCode" Defect Tracking System

Novation, Inc. will be introducing their new "RollCode" defect location tracking system at the 2003 CMM show in Chicago April 14th through 17th. RollCode is said to replace the tradition in web coating and printing lines of manually inserting a flag (half in and half out) of the rewinding roll to flag defects. This traditional approach requires an operator to be positioned near the rewind of the coating or printing line at all times, or to be able to get there quickly. The operator must put his hands near running machinery and spinning rolls to insert the flag, which creates obvious safety issues.

This approach also requires an operator to be positioned near the unwind of the downstream process any time a roll with a defect is running. The operator of this subsequent process machine, most often a slitter, then watches the unwinding roll and stops the machine when he sees the flag approaching in order to make his edits or cull out the scrap material. Since he must watch for the flag as it approaches the outer diameter of the roll, the machine typically runs at less than its maximum speed to enable this "looking for the flag" process. Also since an operator must err on the safe side, she will typically slow down the machine early and creep at usually a very slow speed to the actual flag, or stop point.

Novation's RollCode system addresses the abovementioned safety and productivity issues. RollCode will automatically apply a flag (pressure sensitive label) to the web at process speeds with the push of a button, or an output from a web inspection system sensing an "out of spec" situation. Multiple buttons can be placed at different locations on a line so that a defect observed **at that location** will be tracked through the line and the flag placed at the correct location. A second flag will also be applied marking the end of the "out of spec" condition. Up to eight types of defects are able to be recorded.

RollCode keeps track of the distance between the start of a roll, all scrap start and stop points, and the end of the roll. This information will then be conveyed to the RollCode box on the downstream equipment (by various methods). RollCode can anticipate when a flag or stop point is approaching, allowing the machine to run full speed, decelerate, and stop it just prior to the defect, without any operator involvement.

**Additional benefits are said to include:**

- Multiple causes for scrap may be input into the system. This information can then be logged and used to generate productivity reports with "ScrapTracker" software.
- Since the distance to core is known, it can be used to calculate and display the number of feet remaining on a running roll, the "time to core" remaining at the current speed, and the downstream machine can run full speed and stop automatically just prior to the roll running out. This information could also be used to trigger an automatic splice on machines so equipped.

In order to prevent adhesive on the flag from sticking to idler rolls or machine parts, the flags are pressure sensitive labels with the adhesive "deadened" on the portion of the flag which hangs off the web's edge.

**Re-Synchronizing**

Perhaps the most difficult problem which needs to be addressed with this type of system is re-synchronizing a roll's flag positions if material is removed from the OD of the roll between the time the roll is produced and subsequently loaded onto the downstream equipment's unwind. Sometimes a roll is only partially consumed and then returned to inventory to be finished at a later date. This too creates a re-synchronizing situation.

RollCode addresses these situations first of all by using real flags. That is, although this system could purely "remember" where the scrap is without physically marking it, flags are applied. This means that in the worst case, the age old method of watching for the flag will still work.

Also, since the flags are uniquely identifiable, and are then correlated to a position in the roll, if the outermost flag is scanned, the system can always re-synchronize from that point forward.

In a situation where rolls are to be partially used and moved into and out of inventory regularly, RollCode can either update the new information for this partially used roll to the LAN or website, or print a new roll label with the new data encoded into the bar code.

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